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16 MEGAN ROUP and THE SCULPT SOCIETY, LLC

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 TRACY ANDERSON MIND AND
20 BODY, LLC, a Delaware limited
21 liability company; and T.A. STUDIO
22 NEW YORK LLC, a California limited
23 liability company,

24 Plaintiffs,

25 v.

26 MEGAN ROUP, an individual; and
27 THE SCULPT SOCIETY, LLC, a
28 California limited liability company,

Defendants.

Case No. 2:22-cv-04735-PSG-E

Hon. Philip S. Gutierrez

**DEFENDANTS MEGAN ROUP
AND THE SCULPT SOCIETY,
LLC'S NOTICE OF MOTION AND
MOTION FOR FULL OR
PARTIAL SUMMARY
JUDGMENT**

*[Filed Concurrently with Memorandum
of Points and Authorities; Statement of
Uncontroverted Facts; Compendium of
Evidence; Request for Judicial Notice;
Notice of Lodging; and [Proposed]
Judgment or Order]*

Hearing Date: June 7, 2024
Hearing Time: 1:30 p.m.
Courtroom: 6A

Complaint Filed: July 11, 2022
FAC Filed: Sept. 13, 2022
Trial Date: Nov. 14, 2024

1 **TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that on June 7, 2024, at 1:30 p.m., or as soon
 3 thereafter as counsel may be heard, in the United States District Court for the Central
 4 District of California, 350 W. 1st Street, Courtroom 6A, 6th Floor, Los Angeles,
 5 California, 90012, before the Honorable Philip S. Gutierrez, Defendants Megan Roup
 6 (“Roup”) and The Sculpt Society, LLC (“TSS”) (together “Defendants”) will and
 7 hereby do respectfully move this Court under Rule 56 of the Federal Rules of Civil
 8 Procedure for an order granting summary judgment on the first and third causes of
 9 action in the First Amended Complaint (Dkt. 12), and the Fifth Affirmative Defense
 10 of the Amended Answer (Dkt. 25), thereby disposing of the remainder of the claims
 11 brought by Plaintiffs Tracy Anderson Mind and Body, LLC (“TAMB”) and T.A.
 12 Studio New York LLC (“TANY”) (together “Plaintiffs”). The Court has already
 13 dismissed with prejudice the second and fourth causes of action in the FAC. Dkt. 31.

14 The grounds for Defendants’ motion are that there are no material issues of
 15 fact and that Defendants are entitled to judgment as a matter of law. More
 16 specifically:

17 **First Cause of Action (Copyright Infringement)**

18 Defendants are entitled to summary judgment on TAMB’s first cause of action
 19 for Copyright Infringement, 17 U.S.C. §§ 106, 501, for the following separate and
 20 independent reasons:

- 21 • The DVD works that are the subject of this cause of action reflect
 22 uncopyrightable subject matter under 17 U.S.C. § 102(b)—*i.e.*, the
 23 exercises and fitness movements—as set forth in *Bikram’s Yoga College of*
 24 *India, L.P. v. Evolation Yoga, LLC*, 803 F.3d 1032 (2015).
- 25 • TAMB is not the copyright owner of the works on which its claim is based
 26 because no writing exists validly transferring it such ownership rights.

27 **Third Cause of Action (Breach of Contract)**

28 Defendants are entitled to summary judgment on TANY’s third cause of action

1 for breach of contract for the following separate and independent reasons:

- 2 • Roup did not use or disclose any “Confidential Information” in breach of
- 3 the Trainer Agreement.
- 4 • TANY’s effort to enforce the Trainer Agreement violates California
- 5 Business & Professions Code 16600 *et seq.*

6 **Fifth Affirmative Defense**

7 Roup is entitled to summary judgment on her Fifth Affirmative Defense for

8 the following reason:

- 9 • TANY’s effort to enforce the Trainer Agreement violates California
- 10 Business & Professions Code 16600 *et seq.* See Dkt. 25 (Affirmative
- 11 Defense 5).

12 This Motion is based on this Notice of Motion and Motion, the concurrently

13 filed Memorandum of Points and Authorities, the Statement of Uncontroverted Facts,

14 the Compendium of Evidence and all exhibits attached thereto, the Request for

15 Judicial Notice, the Notice of Lodging of Video Exhibits, the pleadings and papers

16 on file in this action, and any additional argument and evidence presented before or

17 at the hearing.

18 This Motion is made following the conference of counsel pursuant to Local

19 Rule 7-3, which took place on April 3, 2024.

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21 Dated: April 19, 2024

Respectfully submitted,

22 MANATT, PHELPS & PHILLIPS, LLP

23

24 By: /s/ Nathaniel L. Bach

25 Nathaniel L. Bach

26 *Attorneys for Defendants*

27 MEGAN ROUP and THE SCULPT

28 SOCIETY LLC